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GRAND RAPIDS, MI 49501			2857	

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/063,993

Applicant(s)

CALLAGHAN, TERRY S.

Examiner

Carol S Tsai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-13, 16-22 and 25 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 14, 15, 23, 24, and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 5,694,322 to Westerlage et al.

As to claim 25, Westerlage et al. a mileage tracking system for use in a vehicle, said mileage tracking system comprising: a tripmeter (odometer 109 shown on Fig. 9) for tracking travel distance of the vehicle (see col. 16, lines 45-48); and a transmitter (transceiver 94 shown on Fig. 9) coupled to said tripmeter for transmitting the travel distance to a receiver (receiver 44 shown on Fig. 1) that is remotely located from the vehicle (see col. 4, line 53 to col. 5, line 14), wherein said transmitter is a transceiver for receiving an interrogation signal and for transmitting vehicle mileage in response to the interrogation signal (see Figs. 1 and 9 and col. 4, line 57 to col. 5, line 14).

As to claim 16, Westerlage et al. also disclose the transmitter being an RF transmitter for transmitting an RF signal to a receiver coupled to the remote device (see col.5, lines 15-32).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 7, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 5,694,322 to Westerlage et al. in view of U. S. Patent No. Patent No. 4,875,167 to Price et al.

With respect to claims 6 and 7, Westerlage et al. disclose a vehicle mileage tracking system comprising: a tripmeter (odometer 109 shown on Fig. 9) mounted in a vehicle for tracking travel distance of the vehicle (see col. 16, lines 45-48); a transmitter (transceiver 94 shown on Fig. 9) mounted in the vehicle coupled to the tripmeter for transmitting the travel distance (see col. 4, lines 57-59); a receiver (receiver 44 shown on Fig. 1) remotely located from the vehicle for receiving the travel distance transmitted by the transmitter; and a computer (input-output device 126 shown on Fig. 10) coupled to the receiver for receiving and storing the travel distance received by the receiver (see col. 18, lines 52 to col. 19, line 6).

Westerlage et al. do not disclose storing an indicator in association with each trip segment whether the trip segment was a business trip or a personal trip.

Price et al. teach storing an indicator in association with each trip segment whether the trip segment was a business trip or a personal trip (see col. 2, lines 7-11 and col. 3, lines 43-51).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Westerlage et al.'s system to include storing an indicator in association with each trip segment whether the trip segment was a business trip or a personal trip, as taught by Price et al., in order to distinguish whether the type of trip mileage that to be accumulated is a business trip or personal trip.

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As to claim 9, Westerlage et al. also disclose computer being a computer server coupled to a local area network (see col. 4, line 65 to col. 14).

As to claim 11, Westerlage et al. also disclose the transmitter being a transceiver for receiving an interrogation signal and for transmitting vehicle mileage in response to the interrogation signal (see Figs. 1 and 9 and col. 4, line 57 to col. 5, line 14).

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 5,694,322 to Westerlage et al. in view of U. S. Patent No. 6,028,537 to Suman et al. (referred thereafter as Suman et al.'537)

Westerlage et al. disclose a vehicle mileage tracking system comprising: a tripmeter (odometer 109 shown on Fig. 9) mounted in a vehicle for tracking travel distance of the vehicle (see col. 16, lines 45-48); a transmitter (transceiver 94 shown on Fig. 9) mounted in the vehicle coupled to the tripmeter for transmitting the travel distance (see col. 4, lines 57-59); a receiver (receiver 44 shown on Fig. 1) remotely located from the vehicle for receiving the travel distance transmitted by the transmitter; and a computer (input-output device 126 shown on Fig. 10) coupled to the receiver for receiving and storing the travel distance received by the receiver (see col. 18, lines 52 to col. 19, line 6); in which the computer is configured to automatically generate and store an electronic record indicating the vehicle and travel distance (see col. 18, lines 35-44).

Westerlage et al. do not disclose the transmitter transmitting an identification code to the receiver to identify the vehicle to the computer.

Suman et al.'537 teach the transmitter transmitting an identification code to the receiver to identify the vehicle to the computer (see col. 7, lines 46-65).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Westerlage et al.'s system to include the transmitter transmitting an identification code to the receiver to identify the vehicle to the computer, as taught by Suman et al.'537, in order to identify the information in the entry as relating to a particular user.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of Price et al. as applied to claims 6 and 9 above, and further in view of U. S. Patent No. 6,301,533 to Markow.

As noted above, Westerlage et al. in combination with Price et al. teach all the features of the claimed invention, but do not disclose an electronic mail message including the vehicle identification code and travel distance.

Markow teaches an electronic mail message including the vehicle identification code and travel distance (see col. 2, lines 53-58 and col. 4, lines 19-31).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Westerlage et al. in combination with price et al.'s system to include an electronic mail message including the vehicle identification code and travel distance, as taught by Markow, in order that information of vehicle identification code and travel distance can be transmitted via the computer to either the police or a technician.

7. Claims 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of U. S. Patent No. 4,875,167 to Price et al.

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As to claim 18, Westerlage et al. a mileage tracking system for use in a vehicle, said mileage tracking system comprising: a tripmeter (odometer 109 shown on Fig. 9) for tracking travel distance of the vehicle (see col. 16, lines 45-48); and a transmitter (transceiver 94 shown on Fig. 9) coupled to said tripmeter for transmitting the travel distance to a receiver (receiver 44 shown on Fig. 1) that is remotely located from the vehicle (see col. 4, line 53 to col. 5, line 14).

Westerlage et al. do not storing an indicator in association with each trip segment whether the trip segment was a business trip a personal trip.

Price et al. teach storing an indicator in association with each trip segment whether the trip segment was a business trip or a personal trip (see col. 2, lines 7-11 and col. 3, lines 43-51).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Westerlage et al.'s system to include storing an indicator in association with each trip segment whether the trip segment was a business trip or a personal trip, as taught by Price et al., in order to distinguish whether the type of trip mileage that to be accumulated is a business trip or personal trip.

As to claim 17, Westerlage et al. also disclose the vehicle tripmeter time- and date-stamps mileage trip segments that are recorded between periods (see col. 7, lines 38-64).

Westerlage et al. do not disclose expressly that trip segments are time stamped between vehicle ignition being turned on and off, but it is considered inherent, because such definition is known to be a necessary requirement in order that odometer data computer system can start accumulating the trip mileage when the engine is turned on and stop accumulating the trip mileage when the engine is turned off.

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As to claims 19-22, Westerlage et al. do not disclose the tripmeter totaling one of the travel distances traveled during a specified period of time.

Price et al. teach the tripmeter totaling one of the travel distances traveled during a specified period of time (see Abstract, lines 2-13; col. 4, lines 21-23; and col. 6, lines 17-25).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Westerlage et al.'s system to include the tripmeter totaling one of the travel distances traveled during a specified period of time, as taught by Price et al., in order to provide an end-of-year tax reporting.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of Price et al. as applied to claim 13 above, and further in view of U. S. Patent No. 5,497,323 to McCall et al.

As to claim 13, Westerlage et al. disclose a display (output 104 shown on Fig. 9) coupled to the vehicle tripmeter for displaying the travel distance.

Westerlage et al. in combination with Price et al. do not disclose the display being selective.

McCall et al. teach the display being selective (see col. 3, lines 44-54).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Westerlage et al. in combination with Price et al.'s system to include the display being selective, as taught by McCall et al., in order to asynchronously display cumulative vehicle travel distance and trip travel distance (see McCall et al. col. 3, lines 48-50).

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9. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,297,781 to Turnbull et al. in view of U. S. Patent No. 5,278,547 to Suman et al. (referred thereafter as Suman et al.'547)

Turnbull et al. disclose a mileage display system for a vehicle comprising: a receiver (receiver 136 shown on Fig. 6) for receiving a signal from a remote transmitter (transmitter 134 shown on Fig. 6) (see col. 9, lines 46-50); a mileage accumulator (odometer 154 shown on Fig. 7) coupled to the receiver for accumulating vehicle mileage received from a mileage sensor as the vehicle travels (see Figs. 6 and 7 and col. 26, lines 11-43); and a display (display 45 shown on Fig. 6 and other displays 166 shown on Fig. 7) for displaying the vehicle mileage accumulated by the mileage accumulator (see col. 8, lines 40-63).

Turnbull et al. do not disclose the signal received by the receiver from the remote transmitter.

Suman et al.'547 teach a control module being coupled to the vehicle's electrical system for providing predetermined control functions, which can be varied according to the positions selected by the switches and the driver as determined by switch or the received code from transmitter, a remote keyless entry which includes three push-button switches with a first switch being employed for unlocking the door, a second switch for locking the doors, and a third switch for actuating the trunk release (see col. 3, line 66 to col. 4, 29).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Turnbull et al.'s system to include the signal received by the receiver from the remote transmitter, as taught by Suman et al.'547, in order that travel distance

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can be accumulated during vehicle travel in response to a signal received by the receiver from the remote transmitter.

As to claim 2, Turnbull et al. also disclose an interface (vehicle bus interface 116 shown on Fig. 6) for coupling to an odometer sensor of the vehicle to receive a vehicle travel distance signal from which the vehicle mileage may be ascertained (see col. 25, lines 51-67).

10. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Turnbull et al. in view of Suman et al.'547 as applied to claims 1 and 2 above, and further in view of U. S. Patent No. 5,497,323 to McCall et al.

As to claim 3, Turnbull et al. also disclose a switching device (switches 130 shown on Fig. 6) coupled to the interface.

Turnbull et al. in combination with Suman et al.'547 do not disclose the switch device for receiving and selectively transmitting the vehicle travel distance signal.

McCall et al. teach the switch device (select switch 37 shown on Fig. 1) for receiving and selectively displaying the total odometer distance and trip travel distance (see col. 3, line 44-54).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Suman et al.'547 in combination with Turnbull et al. and McCall et al.'s system to include switch device for receiving and selectively transmitting the vehicle travel distance signal, as taught by McCall et al., because McCall et al.'s select switch device provides a known function of changing the display between total odometer distance (i.e., cumulative vehicle mileage) and trip travel distance when depressed by the vehicle operator that

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can be easily implemented to provide a function of selectively transmitting the vehicle distance signal.

Allowable Subject Matter

11. Claims 4, 5, 14, 15, 23, 24, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. Applicant's arguments filed 08/21/2003 have been fully considered but they are not persuasive.

Applicant argues that Turnbull et al. does not disclose the signal received by the receiver (136) being from the transmitter (134). The Examiner disagrees with Applicant. Turnbull et al. do disclose the signal received by the receiver (136) being from the transmitter (134) (see col. 8, lines 49-63; Further still, such information may be simply used and processed by microprocessor 110 or otherwise transmitted by radio frequency (RF) or infrared (IR) signals to other vehicle components or non-vehicle devices via transmitter 134 and col. 9, lines 40-50; As will be explained in further detail below, electrical control system 100 may include a transmitter 134, preferably an IR transmitter, for transmitting an IR signal into the interior passenger area of the vehicle. Electrical control system 100 may also include a receiver 136 intended to receive RF signals or the like, from remotely located transmitters such as a remote keyless entry (RKE) transmitter).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Turnbull et al. disclose providing a control circuit being coupled to a microwave receiver so as to receive vehicle position data that is transmitted to the receiver from satellites of a position identification system constellation to determine and accumulate vehicle distance of travel. Suman et al.'547 disclose a control which is programmable by either the manufacturer, dealer or the operator to automatically provide selected vehicle control functions such as express windows, single button selection of driver door or all doors unlock, last door closed locks the doors and others. As set forth above, Turnbull et al. disclosed the claimed invention except for the signal received by the receiver from the remote transmitter. Suman et al.'547 teach a control module being coupled to the vehicle's electrical system for providing predetermined control functions, which can be varied according to the positions selected by the switches and the driver as determined by switch or the received code from transmitter, a remote keyless entry which includes three push-button switches with a first switch being employed for unlocking the door, a second switch for locking the doors, and a third switch for actuating the trunk release (see col. 3, line 66 to col. 4, 29), in order that travel distance can be accumulated during vehicle travel in response to a signal received by the receiver from the remote transmitter.

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Therefore, the combination of Turnbull et al. and Suman et al.'547 clearly teaches the claimed invention.

Applicant argues that the switch disclosed by McCall et al. does not selectively transmit the travel distance signal; that in McCall et al., the travel distance signal (pulse signal 38) is always transmitted; and that in McCall et al., rather than controlling when the travel distance signal is or is not transmitted, the switches control what is displayed on the display. The Examiner disagrees with Applicant. As set forth above, McCall et al.'s select switch device provides a **known function of changing** the display between total odometer distance (i.e., cumulative vehicle mileage) and trip travel distance when depressed by the vehicle operator that can be easily implemented to provide a function of selectively transmitting the vehicle distance signal.

Applicant argues that that at no point does Westerlage et al. disclose or suggest that communication among these entities occurs via a local area network. The Examiner disagrees with Applicant. Westerlage et al. do disclose and suggest that communication among these entities occurs via a local area network (see Figs. 1 and 9; col. 1, line 64 to col. 2, line 5 and col. 4, line 65 to col. 5, line 45). In addition, based on the structure of Figs. 1 and 9, one having ordinary skill in the art would recognize that the Westerlage et al.'s communications link being coupled to mobile unit on vehicle is designed to transmit or receive information via a WAN, LAN or Internet connection.

Applicant's argument described starting at page 12, line 23 and ending at page 13, line 19 argues that Westerlage et al. do not disclose the vehicle tripmeter time- and date-stamps mileage trip segments that are recorded between periods. The Examiner disagrees with Applicants. The

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examiner broadly interprets the claimed language differently from Applicant. As set forth in the art rejection, Westerlage et al. do not disclose expressly that trip segments are time stamped between vehicle ignition being turned on and off, but it is considered inherent, because such definition is known to be a necessary requirement in order that odometer data computer system can start accumulating the trip mileage when the engine is turned on and stop accumulating the trip mileage when the engine is turned off.

Applicant argues that the Westerlage et al. system is intended for tracking mileage of commercial vehicles such as heavy trucks and is not intended for use in tracking any types of vehicles that would be used for personal purpose; thus, one skilled in the art would not have considered modifying the Westerlage et al. system to track personal mileage since the vehicles with which it is to be used would not be used for personal purposes. The Examiner disagrees with Applicant. The Westerlage et al. system is not only intended for tracking mileage of commercial vehicles such as heavy trucks but also intended for tracking mileage of regular cars (see col. 1, lines 18-35). In addition, it is well known in the art, a mileage tracking system designed can be used for either in business use or personal use.

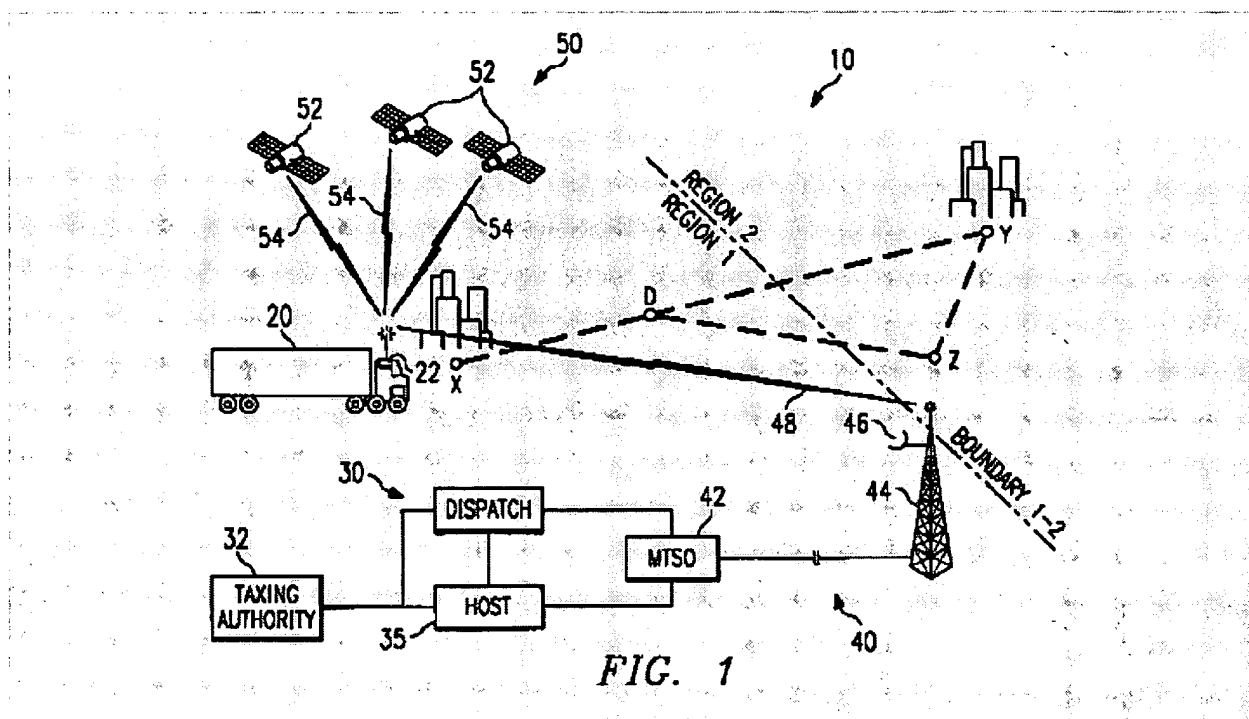
Applicant argues that regarding to claim 10, Markow fails to teach or suggest the deficiencies in the teaching of Westerlage et al. as applied to independent claim 6 from which claim 10 depends. The Examiner disagrees with Applicant. As set forth above, Westerlage et al. disclose the claimed invention except for an electronic mail message including the vehicle identification code and travel distance. Markow teach an electronic mail message including the vehicle identification code and travel distance in order that information of vehicle identification

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code and travel distance can be transmitted via the computer to either the police or a technician.

Therefore, the combination of Westerlage et al. and Markow clearly teach claimed invention.

Applicant's argument described at page 12, lines 3-18 argues that Westerlage et al. do not disclose the transmitter being a transceiver for receiving an interrogation signal and for transmitting vehicle mileage in response to the interrogation signal. The Examiner disagrees with Applicant. As set forth, Westerlage et al. do disclose the transmitter being a transceiver for receiving an interrogation signal and for transmitting vehicle mileage in response to the interrogation signal (see Figs. 1 and 9 and col. 3, line 39 to col. 5, line 14; Using a positioning system 50, mobile unit 22 determines the position of vehicle 20. Specifically, mobile unit 22 comprises a mobile positioning receiver 80 (FIG. 9) operable to receive positioning information from positioning system 50. Mobile unit 22 receives positioning information over positioning information streams 54 from a plurality of satellites 52. Mobile unit 22 then determines its position fix using information from positioning information streams 54. The positioning information comprises accurate satellite positioning information transmitted by satellites 52 and pseudorange data represented by the time of arrival of positioning information streams 54 at mobile unit 22). In addition, it is well known in the art that satellites at spaced orbital locations above the earth, for receiving and retransmitting the reply signal transmitted by the transceiver and a ground station for transmitting the interrogation signal and for receiving and processing the retransmitted reply signals from the satellites; therefore, based on Fig. 9 shown below, Westerlage et al. do disclose the transmitter being a transceiver for receiving an interrogation signal and for transmitting vehicle mileage in response to the interrogation signal.



Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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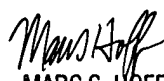
Contact Information

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. Tsai whose telephone number is (703) 305-0851. The examiner can normally be reached on Monday-Friday from 7:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703) 308-1677. The fax number for TC 2800 is (703) 308-7382. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (703) 308-1782.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 308-7382. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.

Carol S. W. Tsai

09/30/03


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